



TECHNICAL ADVISORY COMMITTEE (TAC)

Meeting Minutes

Office of Spill Prevention and Response
Sacramento, California



January 24, 2006 9:30 a.m. – 2:25 p.m.

Attendance:

	TAC members	Agency	Guest	
Stephen Ricks	Linda Sheehan	Linda Scourtis	Steve Sawyer	Al Cantu, ConocoPhillips
Jonna Mazet	Tracy Egoscue	Gary Gregory	Joy Lavin-Jones	
Matt Rezvani	Mitchel Beauchamp	Ellen Faurot-Daniels	Michele Owens	
Joan Lundstrom	Vacant	Lisa Curtis	Linda Green	
Sejal Choksi	Vacant	Bud Leland	Lisa Vandenput	
			Marguerite Diaz	

The January 24, 2006, Oil Spill Technical Advisory Committee (TAC) meeting at the CA Department of Fish and Game, Office of Spill Prevention and Response, Sacramento, CA was called to order at 9:32 a.m. – Stephen Ricks, Chairperson, presiding.

I. INTRODUCTIONS

LISA CURTIS, ACTING OSPR ADMINISTRATOR

Self introductions: TAC members, Agency participants and guests.

Lisa Curtis discussed the vacant TAC positions. Alex Walker/Chevron Shipping has been nominated for Marine Transportation for the Governor's appointee seat. The Dry Cargo representative Governor's appointee seat is currently vacant.

Joan Lundstrom and Lisa Curtis both have potential candidates who are interested in the current Dry Cargo representative seat. Per Steve Ricks John Berg is also interested in the Dry Cargo representative seat. Lisa Curtis will follow-up by submitting the names of the possible candidates.

II. APPROVAL OF THE MINUTES

STEPHEN RICKS (CHAIRPERSON)/TAC

- ❖ Edits from October 25, 2005 meeting minutes:
- ❖ Under Recommendations:
- ❖ Page 3 remove the last sentence that begins Jonna Mazet will revise and TAC will take.....
At the 2nd bullet: remove decrease and replace with change
2nd bullet under VIII. Amend the minutes to include the date of the meeting with the Director, Deputy Directors, and OSPR Executive staff and subcommittee. "The subcommittee (Steve Ricks, Jonna Mazet, Matt Rezvani, Lisa Curtis, William Leland and Steve Sawyer met with Director on October 25, 2006, prior to the regularly scheduled TAC meeting to discuss the Fund 321 issue.

Joan Lundstrom would like to change the Attendance: structure to identify the quorum for TAC first and list the all other attendees accordingly. Joan Lundstrom moved to approve minutes with the edits. Jonna Mazet seconded. Approved unanimous.

III. AGENCY REPORTS

CCC/BCDC/SLC
Ellen Faurot-

- ❖ **California Coastal Commission:**
Daniels

Tug Escort: Bollard Pull Testing

Due to the shortage of adequate bollard pull testing facilities in southern California, OSPR convened a statewide "Escort Tug Action Team"(ETAT) (made up of representatives from each HSC) to determine an alternative approach to "bollard pull testing" to certify tugs for escort duty and status. The ETAT workgroup drafted a proposal to the OSPR Administrator that recommended that "tug escort certification" be based on the submission of the tug's original factory certifications and OSPR approved biennial inspection/maintenance program in lieu of bollard pull retesting. The ETAT workgroup's final proposal and recommendation are being presented to each of the HSCs for their final vote of approval. SF and LA/LB HSCs voted unanimous approval at their December meetings; Port Hueneme, Humboldt, and San Diego HSCs will vote on the final proposal and recommendation at their next meetings in January and February. Next step will be for OSPR to draft revised regulation language, which will be circulated back to the HSCs for their review and approval again.

Proposed LNG floating terminal offshore Oxnard County in federal waters.

A Revised Draft EIS/EIR for the BHP Billiton proposed LNG floating terminal was re-released on January 10, 2006. The Coastal Commission has federal consistency review authority over the floating terminal in federal waters and permit jurisdiction over the pipelines that transit through state waters and come ashore in Oxnard. Oil Spill Program staff is in the process of reviewing and commenting on the oil and hazardous substance spill sections, as well as the navigational safety sections of the new Revised Draft EIS/EIR. Oil Spill Program staff will continue to work on the project until it comes before the Commission in late 2006 or early 2007.

- ❖ **State Lands Commission:**

Gary Gregory

The effects of the current budget crisis have been significant at MFD. SLC current staffing level has dropped to 43 people of 45 positions. Late in 2005 we held examinations for Marine Safety Inspector and Specialist classification. We are in the hiring process for a new inspector at the Northern California Field Office.

The Marine Oil Terminal Engineering and Maintenance Standard (MOTEMS) have been completed. The Building Standards Commission published the requirements on July 6, 2005. MOTEMS will become effective on February 6, 2006. Workshops will be held for terminal operators and marine engineering companies at our offices in Hercules and Long Beach. An invitation letter has been sent.

Work on our Liquefied Natural Gas Terminal Engineering and Maintenance Standards (LNGTEMS) continues.

Oil Transfer and Transportation Emission and Risk Reduction (OTTER) Act of 2002.

The first annual report to the Legislature was approved by the Commission. The report is posted on our website at: http://www.slc.ca.gov/Division_Pages/MFD/MFD_Programs/OTTER/OTTER.htm Third Quarter 2005 data is attached in a Comparative Statement.

Planning for Prevention First 2006 is now in full swing. SLC are not planning any major changes in the format. We are looking for a Keynote speaker; your suggestions would be welcome. Prevention First 2006 will be held at the Westin Hotel in Long Beach on September 12-13, 2006.

Our next Customer Service Meeting will be held by the Northern California Field Office on March 1, 2006. It will be followed by a MOTEMS workshop held at our Hercules Office. The date for a Customer Service Meeting in Southern California has not been set.

- ❖ ***SF Bay Conservation and Development Commission:*** ***Linda Scourtis***
SF Harbor Safety Committee The San Francisco Bay Area Harbor Safety Committee met monthly during October-December, chaired by BCDC Commissioner Joan Lundstrom. BCDC staff attended all HSC meetings.
Ferry Operations
The Ferry Operations work group is preparing its recommendation to the HSC with respect to routing and communications protocol at the S.F. Ferry Building. Through discussion with ferry captains, it was discovered that another area of congestion occurs near the Richmond-San Rafael Bridge when the Larkspur and Vallejo routes merge. The work group is now also looking at this issue.
PORTS
OSPR has agreed to provide funding to maintain and operate the PORTS system for three years beginning March 1, 2006. The Department of Boating and Waterways also will continue its funding for PORTS during this period. The HSC will work with other ports in the state that may be interested in acquiring PORTS, with a goal of developing permanent funding for the systems.
Prevention through People
The Prevention through People work group has sent to OSPR a design for a “bumper sticker” that can be placed on top of the front apron of a kayak to alert paddlers to remain aware of their surroundings, particularly when crossing shipping channels, where they are most at risk. The Bay Area Water Trail coordinator has begun to participate in the work group meetings to ensure full communication between the two groups. Additionally, the chair of the work group has agreed to sit on the Water Trail Steering Committee, which will have its initial meeting February 1, 2006.

At the national level, the Navigation Safety Advisory Council (NAVSAC) has made a recommendation to the USCG that Rule 25 of the Inland Navigation Rules be amended to require that all non-power driven watercraft less than seven meters in length carry at a minimum a 360 degree white light, visible for a distance of one mile.

IV. BAGLEY-KEENE OPEN MEETING ACT

STEVE SAWYER, OSPR LEGAL

Steve Sawyer distributed the 2004 version of the Bagley-Keene Act. He gave an overview of the requirements which the TAC is possibly not adhering to. He discussed the reasons behind the Bagley-Keene Open Meeting Act and that we have to be sure to notify all people who have requested notice(s). He briefly discussed “What is the meaning of a meeting?” and “What is a quorum?” and the requirements. One of the requirements we have recently had to follow up is making sure the notices are electronically posted and that we have noted the American Disabilities Act on the agenda. Steve Sawyer also briefly discussed the difference between Bagley-Keene and the Brown Act. The difference being the Brown Act only applies to local bodies. He also mentioned the need to make sure we inform the public on all action items. Steve mentioned again the importance of making sure the action items are noted on the agenda.

V. LEGISLATIVE UPDATE

BUD LELAND, OSPR-COO

Request for the new Compendium updates were given to Marguerite Diaz. Bud Leland discussed the 2005 OSPR bills passed into law.

AB 752, Karnette, Oil spill contingency planning: financial responsibility. Existing law establishes the office of administrator for oil spill response and requires the administrator to adopt and implement regulations and guidelines governing the adequacy of oil spill contingency plans. However, until January 1, 2006, the administrator is authorized to establish a lower standard of financial responsibility for specified non-tank vessels. This bill would extend indefinitely the authority of the administrator to establish a lower standard of financial responsibility for the specified non-tank vessels.

SB 771, Simitian, Oceangoing ships. (1) Existing law prohibits a cruise ship, as defined, from conducting onboard incineration while operating within 3 miles of the California coast. This bill would also prohibit an oceangoing ship, as defined, from conducting onboard incineration while operating within 3 miles of the California coast. The bill would require the SLC to submit the reported information to the State Water Resources Control Board on or before February 1, 2007. The bill would require the board to submit the reported information to the Legislature on or before October 1, 2007. This bill would also consolidate the provisions regulating the release of these substances from large passenger vessels and oceangoing ships.

Bud Leland also updated the TAC on the 2006 – pending OSPR bills

SB 403, as amended, Machado, Chemical Tanker Task Force. Existing law, the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act, establishes the Office of Oil Spill Prevention and Response, which is responsible for the prevention of and response to oil spills in the waters of the state. This bill would require the administrator of the office to convene, on or before March 1, 2007, the Chemical Tanker Task Force, and to submit to the Legislature on or before July 1, 2008, a report on chemical tankers with information, as specified. The bill would require the administrator to seek funding for the task force's activities from the federal Department of Homeland Security or other funding sources that are not providing funds to the office as of January 1, 2006.

SB 1070, as amended, Kehoe, Water quality information. (1) Existing law, the Porter-Cologne Water Quality Control Act, requires the State Water Resources Control Board, in conjunction with the California regional water quality control boards, to implement a public information program on matters involving water quality and to maintain an information file on water quality research and other pertinent matters. This bill would repeal that provision and would require the California Environmental Protection Agency and the Resources Agency, on or before December 1, 2006, to enter into a Memorandum of Understanding for the purposes of establishing the California Water Quality Monitoring Council, which the state board would be required to administer. This bill would affect our labs and inland programs.

Bud Leland reported on the OSPR 2006 proposals that are currently being discussed with the Resources Agency and the Department of Fish and Game. One of the proposals would give us administrative enforcement of pollution violations, which would enable us to get some funding for the inland pollution program. We are hoping to get housekeeping amendments to Lempert-Keene. OSPR is proposing to allow the trust fund to be used for coverage for all spills. We have also proposed to clarify recovering response costs that can be added the civil amend complaint.

VI. REGULATIONS UPDATE

JOY LAVIN-JONES, OSPR, REGS

Joy Lavin-Jones reported the Regulations Unit is currently amending the certificate of financial responsibility regulations which consist of mainly updates to the form. The other significant change is if a company uses insurance to demonstrate financial responsibility they will also have to file a California Endorsement which outlines the damages to be covered. Bollard Pull recertification has become an issue and tug companies are having difficulties doing the test particularly in Southern California. A workgroup (made up of OSPR staff and tug company staff) has been formed to take a look at the options. They have found that the pull does not appreciably change between the tests (they retest every 3-5 years). We proposed an inspection program in lieu of recertification. This proposal is currently working its way through all the HSCs. Joy Lavin-Jones reported that they are still working on the changes to Contingency Plan regulations. The last time the regulations have been amended was in 1996 or 1997. 90% of the changes are clean up, clarifications, consolidation and removing obsolete language. She reported the big change however, is regarding the shoreline protection. We are also proposing 25% increase to on water recovery. We had a public workshop in July 2005 and again in December 2005 and we are planning to have the public notice available by spring 2006. Matt Rezvani inquired whether or not there is a true need for the Bollard Pull test.

VII. CARB AUXILIARY ENGINE FUEL RULES

STEPHEN RICKS (CHAIRPERSON) TAC

Matt Rezvani discussed the background of the California Air Resources Board (CARB) and the concerns about emissions in Port of Long Beach and Port of LA. There have been many legitimate complaints from the neighborhoods about engine, truck and ship exhaust, etc. As a result Southern California Air Quality Management District developed a process they want to put in place and CARB wants to develop rules for the problem. However, we are not sure they have the authority to adopt these rules. Some of the things that CARB wants to develop is a process called "cold ironing" which is when the ships shuts down and uses electricity. The problem is that this process is very expensive and very challenging. The other process developed is the Auxiliary Engine Rule which is switching fuel before coming in while still in the open ocean which will allow the ships to burn a different fuel before reaching the terminals. Matt Rezvani informed the TAC that British Petroleum (BP) has concerns with switching fuels in the middle of the ocean because of navigational concerns relating to the ship's engine. BP will continue looking at this process to find out the merit of this study/process. BP's biggest concern is not the cost, but the safety of ships and vessels. Joan Lundstrom commented that there is also concern from Coast Guard, Industry and Legislators regarding this issue.

VIII. FUND 321 STATUS REPORT

MICHELE OWENS, OSPR

Michele Owens reported that the Department has been informed about keeping OSPR in the loop regarding their Accounting practices. Although she met with Will Fong, the Accounting Branch Chief she still feels that the working staff has not received the information. Michele will be looking into making sure the staff is informed and formalizing OSPR's new role in PFA procedures. She will also need to be informed about the Pro rata, Smith interest payments, and detailed revenue reports as well. This information will be available in about six months. Michele will be meeting with the Accounting office on a bi-weekly basis until we get the matter resolved and after that on a quarterly basis. Matt Rezvani on behalf of TAC and BP rate payers commended Michele for all her efforts in resolving the fund 321 issue. Steve Ricks inquired about the Fund 321 accuracy, Michele informed the TAC that the Fund will be continuously appropriated and do not have the special adjustment issue. Jonna Mazet suggested an additional audit of the fund 321 to be sure all the funds have been put back. Matt Rezvani met with Administration on January 20th regarding the Department's accounting practices and he suggested that the Fund 320/321 become a standard agenda item. Matt Rezvani would also like to see an audit from the beginning of the 321 fund until to date. Joan Lundstrom suggested that Michele add footnotes to the spreadsheets.

IX. DISCUSSION OF AUDIT REPORT ISSUES

STEPHEN RICKS, JONNA MAZET, MATT REZVANI

Lisa Curtis and Bud Leland gave a detailed presentation on the outcome of the two-hour meetings Executive held with each branch manager to find out what their roles were within the Department and OSPR. Lisa Curtis discussed the Enforcement branch's vacancies and the difficulty in the hiring process. She also discussed OSPR's PYs and their functions within each of the different branches. Bud Leland led a discussion on how OSPR has formed a steering committee which consists of all the Senior Management. They are meeting on a regular basis to provide recommendations to the Administrator on our data handling and how we are managing it.

X. OLD/NEW BUSINESS

STEPHEN RICKS (CHAIRPERSON)

- ❖ Joan moved to have a Special meeting Tuesday, February 21, 2006, to discuss fundamental policy issues and prioritize them, and a support letter for documentation.
- ❖ *Suggested Agenda Action Items for next meeting*
 - Mitchel Beauchamp suggested a person from CARB and Captain Jerry Swanson or someone from the Coast Guard give a presentation on the CARB issue at the next TAC meeting.
 - Letter regarding CARB issue will be added to the agenda (vote pending)
 - Discuss OSPR's Inland fund issue.
 - Regarding the fund management for the 321 Fund, Jonna Mazet wants a clear reporting system from DFG on the Fund.
 - Develop an MOU memorializing the steps the Department is taking on monitoring the 321 fund.
 - Is there a sample audit on the small fee payer?
 - Data management group presentation for next TAC meeting.
- ❖ *Dates and location of 2006 meetings*
 - January 24, 2006 – San Diego, CA
 - April 18, 2006 – Santa Cruz, CA
 - July 25, 2006
 - October 24, 2006

ADJOURN